

REFERENCE TITLE: public finances; budget reconciliation.

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HB 2755

Introduced by
Representatives Brown, Aguirre A, Alvarez, Bradley, Burton Cahill, Cajero
Bedford, Downing, Gallardo, Garcia M, Kirkpatrick, Landrum Taylor, Lopez
L: Lopes, Lujan, Miranda B, Prezelski, Rios P, Tom

AN ACT

AMENDING SECTIONS 41-764, 44-309 AND 44-313, ARIZONA REVISED STATUTES; MAKING APPROPRIATIONS; RELATING TO PUBLIC FINANCES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 41-764, Arizona Revised Statutes, is amended to
3 read:

4 41-764. Contribution of pro rata share for personnel division
5 fund

6 A. State service agencies within the covered service shall contribute
7 a pro rata share of the overall cost of personnel administration services
8 provided by the department. The pro rata share shall be payable by payroll
9 fund source and the resultant amount shall be deposited, pursuant to sections
10 35-146 and 35-147, in a personnel division fund for appropriation by the
11 legislature for the personnel division of the department. ~~Beginning on July~~
12 ~~1, 1997 through June 30, 2003, the pro rata share shall be 90 per cent of the~~
13 ~~total payroll of the agency.~~ Beginning on July 1, ~~2003~~ 2006, the pro rata
14 share shall be ~~1.04~~ 1.07 per cent of the total payroll of the agency. Total
15 payroll shall include all fund sources including the state general fund,
16 federal monies, special revenue funds, intergovernmental revenue monies,
17 trust funds and other payroll fund sources.

18 B. A claim for the pro rata share percentage payment shall be
19 submitted according to the fund source, with the accompanying payroll to the
20 department for deposit in the personnel division fund.

21 C. Notwithstanding section 35-190, only monies in excess of five
22 hundred thousand dollars revert to the state general fund at the end of each
23 fiscal year. The state comptroller shall pay any monies determined to be
24 owed to the federal government from the personnel division fund before
25 calculating the reversion.

26 Sec. 2. Section 44-309, Arizona Revised Statutes, is amended to read:
27 44-309. Notice of abandoned property

28 A. The department shall publish ~~a notice not later than November 30 of~~
29 ~~the year after the year in which~~ SEMIANNUAL NOTICES DIRECTING THE PUBLIC TO
30 THE INTERNET AND THE DEPARTMENT'S WEB SITE REGARDING abandoned property THAT
31 has been paid or delivered to the department. ~~The department shall cause the~~
32 ~~notice to be published in a newspaper of general circulation in the county in~~
33 ~~which the last known address of any person named in the notice is located.~~
34 ~~If a holder does not report an address for the apparent owner or the address~~
35 ~~is outside this state, the department shall cause the notice to be published~~
36 ~~in the county in which the holder has its principal place of business within~~
37 ~~this state or another county that the department reasonably selects.~~ The
38 department shall ensure that the notice is in a form that in the judgment of
39 the department is likely to attract the attention of the apparent owner of
40 the unclaimed property.

41 B. The ~~notice~~ WEB SITE shall contain all of the following information:
42 1. The name of each person that appears to be the owner of the
43 property as stated in the report filed by the holder.

1 2. The last known address or location of each person that appears to
2 be the owner of the property, if an address or location is stated in the
3 report filed by the holder.

4 3. A statement that explains that the property of the owner is
5 presumed abandoned and is in the protective custody of the department.

6 4. A statement that on request to the department information about the
7 property and its return to the owner is available to a person who has a legal
8 or beneficial interest in the property.

9 B. C. The department is not required to publish ~~a notice of~~ the name,
10 address or location of an owner of property that has a total value of less
11 than fifty dollars or information concerning a traveler's check, money order
12 or similar instrument.

13 C. In addition to the publication required in subsection A, the
14 ~~department shall cause to be published in a newspaper or newspapers of~~
15 ~~general circulation in this state a series of display advertisements.~~

16 Sec. 3. Section 44-313, Arizona Revised Statutes, is amended to read:
17 44-313. Deposit of monies; definition

18 A. Except as otherwise provided in this section or section 44-314, the
19 department shall deposit, pursuant to sections 35-146 and 35-147, in the
20 state general fund all monies received pursuant to this chapter, including
21 the proceeds from the sale of abandoned property pursuant to section 44-312,
22 except that:

23 1. Thirty-five per cent of the monies shall be deposited in the
24 housing trust fund established by section 41-3955.

25 2. Twenty per cent of the monies shall be deposited in the housing
26 trust fund established by section 41-3955. These monies shall be used
27 exclusively for the development of eligible and viable housing in rural areas
28 and for the purposes authorized under the housing development fund
29 established by section 41-3956.

30 3. Twenty per cent of the monies shall be deposited in the funds in
31 the amounts provided in section 5-113, subsection A.

32 B. The department shall deposit monies from unclaimed shares and
33 dividends of any corporation incorporated under the laws of this state in the
34 permanent state school fund pursuant to article XI, section 8, Constitution
35 of Arizona.

36 C. The department shall deposit monies from unclaimed victim
37 restitution payments in the victim compensation and assistance fund
38 established by section 41-2407 for the purpose of establishing, maintaining
39 and supporting programs that compensate and assist victims of crime.

40 D. The department shall retain in a separate trust fund at least one
41 hundred thousand dollars from which the department shall pay claims.

42 E. Before making the deposit, the department shall record the name and
43 last known address of each person who appears from the holders' reports to be
44 entitled to the property and the name and last known address of each insured
45 person or annuitant and beneficiary. The department shall also record the

1 policy or contract number of each policy or contract of an insurance company
2 that is listed in the report, the name of the company and the amount due.
3 The department shall make the record available for public inspection during
4 reasonable business hours.

5 F. Before making any deposit to the credit of the state general fund,
6 the department may deduct, subject to legislative appropriation,
7 administrative expenses in the following order of priority:

8 1. Any costs in connection with the sale of abandoned property.
9 2. Costs of mailing and publication in connection with any abandoned
10 property.

11 3. Reasonable department service charges.
12 4. Costs incurred in examining records of holders of property and in
13 collecting the property from those holders.

14 5. Lawful holder charges.

15 G. THE COST OF CONTRACT AUDITS SHALL BE PAID BY THE DEPARTMENT FROM
16 REVENUES RECEIVED FROM THE AUDITS, AND THE COSTS ARE NOT SUBJECT TO
17 LEGISLATIVE APPROPRIATION.

18 G. H. The department shall deposit monies received pursuant to
19 section 35-187 in the homeless trust fund as provided in section 41-2021 in
20 an amount of not more than one million dollars. The department shall deposit
21 monies in excess of one million dollars pursuant to the distribution
22 described in subsections A and B of this section. Before making any deposit
23 in the homeless trust fund, the department shall deduct any amounts related
24 to owner claims and interest payments.

25 H. I. For the purposes of this section, "rural area" means either:
26 1. A county with a population of less than four hundred thousand
27 persons.

28 2. A census county division with less than fifty thousand persons in a
29 county with a population of four hundred thousand or more persons.

30 Sec. 4. State real estate department; fee adjustment;
31 suspension

32 Notwithstanding section 32-2103, subsection B, Arizona Revised
33 Statutes, the state real estate commissioner shall not revise fees in fiscal
34 year 2006-2007 for the purposes of meeting the requirement to cover at least
35 ninety-five per cent but not more than one hundred ten per cent of the state
36 real estate department's appropriated budget.

37 Sec. 5. Suspension of budget stabilization fund transfers;
38 appropriation

39 A. Notwithstanding the provisions of Laws 2005, chapter 286, section
40 114 or any other law relating to the transfer of monies to the budget
41 stabilization fund, no further monies shall be transferred to the budget
42 stabilization fund in fiscal years 2005-2006 and 2006-2007, except as
43 provided in subsection B of this section. Any transfers to the budget
44 stabilization fund made in fiscal years 2005-2006 and 2006-2007 except as

1 provided in subsection B of this section revert to the state general fund on
2 the effective date of this act.

3 B. The sum of \$180,000,000 is transferred from the state general fund
4 in fiscal year 2006-2007 to the budget stabilization fund.

5 Sec. 6. Transfer of monies: state highway fund

6 The sum of \$118,000,000 is transferred from the state general fund in
7 fiscal year 2006-2007 to the state highway fund for highway construction to
8 reimburse the department of transportation for the vehicle license tax
9 deferral.

10 Sec. 7. Retroactivity

11 A. Section 41-764, Arizona Revised Statutes, as amended by this act,
12 applies retroactively to from and after June 30, 2006.

13 B. Section 5 of this act is effective retroactively to February 1,
14 2006.